

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application in the Office Action of December 1, 2010. The application has been carefully reviewed in light of the Office Action and amended as deemed necessary and appropriate to place the application into condition for allowance consistent with the Decision on Appeal rendered by the Board of Patent Appeals and Interferences mailed on August 23, 2010.

Specifically, by this Amendment claims 23-25 have been canceled inasmuch as such claims were previously withdrawn from consideration, and claim 44 has been amended to overcome a rejection under 35 U.S.C. §112, second paragraph (the word preceding the word "mixture" was changed from "the" to "a"). No new claims have been added to the application. Accordingly, claims 1, 2-9, 11-17, 26, 28-37, 39-42 and 44-46 are pending in the application. No new matter has been added to the application by this Amendment.

In addition to the amendments to the claims, applicant has submitted two terminal disclaimers under 37 C.F.R. §1.321. One terminal disclaimer obviates the provisional double patenting rejection over claims 94-96 of co-pending U.S. App. Ser. No. 11/722,480⁽¹⁾. And one terminal disclaimer obviates the provisional double patenting rejection over claims 39-42 of co-pending U.S. App. Ser. No. 11/722,857. A terminal disclaimer has not been filed to obviate the provisional double patenting rejection over claims 50 and 51 of U.S. App. Ser. No. 11/722,779 inasmuch as such application has been abandoned, making the provisional double-patenting rejection moot.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. LUS-15874.

⁽¹⁾ The wrong serial number - 11/722,484 - has been referenced repeatedly throughout the prosecution of this case by the Examiner, the applicant and by the Board. The correct serial number is 11/722,480 (see claims 94-96).

Respectfully submitted,

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